IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 948(S/S)2007

Smt. Chandrakala W/o Sri Ramesh Chandra Bhatt,
Headmistress, Primary School, Jakh,
Karnaprayag, Chamoli ---- Petitioner.

Vs.

1. Block Education Officer, Karnaprayag, Chamoli,
2. Addl. District Education Officer, (Basic), Chamoli,
3. District Education Officer, Chamoli,
4. Director of Education (Basic),
   State of Uttarakhand, Dehradun,
5. S.D.M., Karnaprayag, Distt. Chamoli. ----Respondents.

Sri M.S. Chauhan, learned counsel for the petitioner.
Sri Paresh Tripathi, learned Brief Holder for respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Mangal Singh Chauhan, learned counsel for the petitioner and Sri Paresh Tripathi, learned Standing Counsel for the State of Uttarakhand/respondents.

By means of this writ petition, the petitioner has challenged the order dated 27.04.2007 passed by Block Education Officer, Karnaprayag, Chamoli by which the petitioner has been directed to join at her new place of posting in pursuance of earlier transfer order dated 11.12.2006 and the order passed by this High Court on 31st January 2007.

The petitioner, aggrieved with the order dated 13th Novemmber 2006 and 23rd December 2006 preferred writ petition no. 69(ss)2007 before this Court and this Court on 31st January 2007 while disposing of the writ petition, has held that learned counsel for petitioner has made statement at bar, that Board Examination of both the children of the petitioner shall

be completed by the close of April 2006 and he has confined his prayer only to the extent that the transfer of the petitioner on the ground of Board examinations may be stayed till 30th April 2007. Considering the request of learned counsel for the petitioner, this Court on 31st January 2007, stayed operation of aforesaid order dated till 30th April 2007 and has further held that the petitioner shall stand relieved on 1st May 2007. Even after passing of this order by this Court, the petitioner has not joined on new place of her posting, however, she has filed the instant writ petition. It is very unfortunate that tendency of litigation is increasing among the Primary School Teachers in the State of Uttarakhand. Even after passing of order by this High Court to the effect that the petitioner shall stand relieved on 1st May, 2007, the petitioner has not joined at new place of her transfer and has filed instant writ petition, which is not, at all, maintainable.

The writ petition, thus, is dismissed. No order as to costs.

(M.M. Ghildiyal, J.)

July 25, 2007:
NCM: